

rutinyl sulphate; *Centella asiatica* and *Siegesbeckia* extracts and yeast extracts of *Saccharomyces cerevisiae*, silicon, amadorine, and an ivy extract.

Please add new Claims 27-29 as follows:

27. (New) The method according to Claim 1, further comprising allowing said composition to remain on the skin after said applying, thereby forming a film.

28. (New) The method according to Claim 2, further comprising allowing said composition to remain on the skin after said applying, thereby forming a film.

29. (New) The method according to Claim 3, further comprising allowing said composition to remain on the skin after said applying, thereby forming a film.

#### SUPPORT FOR THE AMENDMENTS

The amendment to Claim 21 is supported at page 13, line 17 to page 15, line 31. New Claims 27-29 are supported by Example 7, which describes applying the serum of Example 2 to the skin around the eye, where improved results are found after "drying of the film on the skin." No new matter is believed to be added by entry of these amendments. Claims 1-3, 11-22, and 24-29 are active.

#### REMARKS

Applicants wish to thank Examiner Wells for the courteous and helpful discussion held with Applicants' representative on March 27, 2002. During the discussion, it was noted that neither Dubief nor Sebag describe the claimed methods, and that the claimed methods differ from "washing" or "conditioning".

The rejection of the claims under 35 U.S.C. § 102(b) over Sebag is respectfully traversed. Sebag fails to describe methods for removing wrinkles from the skin, tightening the skin, or for reducing or removing signs of cutaneous aging from the skin.

Sebag broadly describes compositions containing a silicone that may be used for washing and conditioning keratinous materials (Abstract). Sebag provides pages of discussion of all of the different kinds of silicone polymers that may be used in such compositions (i.e. column 2, line 52 to column 7, line 10). However, Sebag fails to describe any examples of compositions containing the grafted silicone of the present invention, having a polysiloxane backbone to which a non-silicone organic monomer is grafted. Sebag only describes *shampoo* compositions, which are obviously intended for cleaning hair, rather than removing wrinkles, tightening skin, or reducing or removing the signs of cutaneous aging. Moreover, the polysiloxanes exemplified in Sebag are conventional polydimethylsiloxanes (i.e., which lack the grafted non-silicone organic monomer). Thus, Sebag fails to expressly or implicitly describe the claimed methods. Accordingly, Sebag fails to anticipate the methods of the present invention.

Rejection of the claims under 35 U.S.C. § 103(a) over the combination of Dubief and Sebag is respectfully traversed. Dubief and Sebag cannot reasonably be combined, and there is no reasonable expectation of success even if Dubief and Sebag were combined.

Dubief describes methods of *styling* hair. In order to style hair, the styling composition must reasonably at least partially coat the hairs, and bond them together at “attachment points” as discussed at col. 10, lines 19-46). Thus, the formulation of Dubief must remain on the hair in order to provide for styling hair. Sebag, in contrast, describes compositions for washing skin or hair. Sebag expressly states that when used as shower gels for washing and conditioning the hair and skin, these compositions are “applied to wet skin

and hair and are *rinsed* after application" (col. 17, lines 31-33; emphasis added). Thus, Dubief and Sebag describe mutually incompatible methods, since the styling method of Dubief requires that the composition remain coated onto the hair, whereas Sebag expressly requires that the composition be "rinsed" after application, thereby removing the composition. Applicants see no way in which two such opposing methods could reasonably be combined. Moreover, it is also clear that if the composition of Dubief was "rinsed" as expressly described in Sebag, the styling properties of the compositions of Dubief would be ruined, thereby destroying the intended effect of the method of Dubief. Thus, the combination of Dubief and Sebag is improper (see MPEP §2143.01, which states that if "the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious"). Accordingly the combination of Dubief and Sebag neither anticipates nor suggests the claimed methods.

Furthermore, Applicants note that Dubief only describes methods of treating and styling hair, and Sebag only describes methods of washing and conditioning the hair and skin, whereas the method of the present invention is directed to removing wrinkles, tightening the skin, and removing the signs of cutaneous aging from the skin. Applicants respectfully submit that "washing" the skin pertains only to removing unwanted substances from the surface of the skin, and does not necessarily result in tightening the skin, removing wrinkles, or removing the signs of cutaneous aging. However, during the discussion with Applicants representative, the Examiner suggested that the claimed methods of tightening the skin, removing wrinkles, and removing the signs of cutaneous aging are encompassed within the term "conditioning" of Sebag. However, Applicants fail to see where such a position is supported in the references. Neither Sebag nor Dubief explain what is meant by "conditioning." Accordingly, the term

“conditioning” must be given its conventional meaning. As shown in the attached pages from the International Cosmetic Ingredient Dictionary and Handbook (hereinafter "Handbook"; International Cosmetic Ingredient and Handbook, 7<sup>th</sup> Ed., 1997, vol. 2, pages 1656, 1657, 1661, 1662, and 1667), conditioning agents provide soft, smooth, and pliable skin. However, Applicants note that soft smooth and pliable skin is not necessarily free of wrinkles, tight, or free of the signs of cutaneous aging. In fact, Applicants submit that there is simply no evidence of record to suggest that “conditioning” has anything whatsoever to do with removing wrinkles, tightening the skin, or reducing or removing the signs of cutaneous aging. Thus, even if Sebag and Dubief are combined, neither reference, either individually or in combination, suggest the claimed methods. Accordingly, Applicants respectfully request withdrawal of the rejection.

The rejection of the claims under 35 U.S.C. § 103(a) over the combination of Sebag and Sidhu is respectfully traversed. As discussed above, Sebag neither expressly or by implication describes the claimed methods. Sidhu also does not describe methods for tightening skin with the claimed grafted silicone polymer, but rather describes methods for extracting biological extracts, which are themselves the active ingredients for treating the skin (e.g., the extracts of Sidhu may be used to “tighten the skin”; Abstract). If the extracts of Sidhu already "tighten the skin," why would one be motivated to combine such extracts with grafted silicone polymers in order to tighten skin? Such a combination would be redundant, and therefore unnecessary. Thus, Sidhu implies that the grafted silicone polymers of the present invention are unnecessary, and therefore teaches away from the claimed methods. Accordingly, the combination of Sebag and Sidhu fails to suggest the methods of the present invention.

The rejection of Claim 21 under 35 U.S.C. § 112, is respectfully traversed. Applicants have deleted the phrase "lipolytic, slimming, firming, antiglycant, and/or vasoprotective

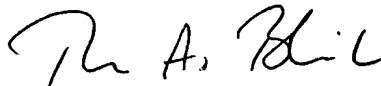
compounds." Claim 21 now recites the specific additives of the specification. Accordingly, Applicants respectfully request withdrawal of the rejection.

New Claims 27-29 recite the additional step of "allowing said composition to remain on the skin after said applying, thereby forming a film." Neither Sebag nor Sidhu describe a method with such a step – indeed, Sebag teaches that the compositions should *not* remain on the skin, but should be rinsed off. Dubief describes styling hair, and does not describe applying compositions to the skin in order to remove wrinkles, tighten the skin, or remove the signs of cutaneous aging. Accordingly, Applicants respectfully submit that the new claims are neither anticipated nor suggested by the cited prior art.

Accordingly, and for the reasons stated above, Applicants respectfully request withdrawal of the rejections. Early notice thereof is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

Thomas A. Blinka, Ph.D.  
Registration No. 44,541



**22850**

(703) 413-3000  
RLT:TAB\sjh  
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**IN THE CLAIMS**

--21. (Twice Amended) A composition comprising, in a physiologically acceptable medium, at least one grafted silicone polymer comprising a polysiloxane portion and portion composed of a non-silicone organic chain, one of the two portions constituting the main chain of the polymer and the other being grafted to the said main chain and one or more [lipolytic, slimming, firming, antiglycant and/or vasoprotective] compounds selected from the group consisting of phosphodiesterase inhibitors, 1-hydroxyalkylxanthines, caffeine citrate, theophylline, derivatives of theophylline, theobromine, acefylline, aminophylline, chloroethyltheophylline, diprophylline, diniprophylline, etamiphylline, derivatives of etamiphylline, etofylline or proxyphylline; combinations comprising xanthine derivatives, the combination of caffeine and silanol (methylsilanetriol derivative of caffeine); compounds of natural origin comprising xanthine bases; tea, coffee, guarana, maté or cola (*Cola nitida*) extracts, the dry extract of guarana (*Paulina sorbilis*) fruit comprising 8 to 10% of caffeine; ephedrine, derivatives of ephedrine; plant extracts of *Garcinia cambogia*, *Bupleurum chinensis* extracts, extracts of English ivy (*Hedera helix*), extracts of mountain tobacco (*Arnica montana L*), extracts of rosemary (*Rosmarinus officinalis*), extracts of marigold (*Calendula officinalis*), extracts of sage (*Salvia officinalis L*), extracts of ginseng (*Panax ginseng*), extracts of St John's Wort (*Hypericum perforatum*), extracts of butcher's broom (*Ruscus aculeatus L*), extracts of meadowsweet (*Filipendula ulmaria L*), extracts of cat's whiskers (*Orthosiphon stamineus Benth*) or of birch (*Betula alba*), *Ginkgo biloba* extracts,

horsetail extracts, horse chestnut extracts, cangzhu extracts, *Chrysanthellum indicum* extracts,  
extracts from plants of the genus *Armeniacea*, *Atractylodis*, *Platicodon*, *Sinommenum*,  
*Pharbitidis* or *Flemingia*, *Coleus* extracts, extracts of *C. forskohlii*, extracts of *C. blumei*,  
extracts of *C. esquirolii*, extracts of *C. scutellaroides*, extracts of *C. xanthantus*, extracts of  
*C. barbatus*, extracts of *Coleus barbatus* root comprising 60% of forskolin, Ballota extracts,  
extracts of *Guioa*, extracts of *Davallia*, extracts of *Terminalia*, extracts of *Barringtonia*,  
extracts of *Trema*, extracts of *Antirobia*, algal extracts, red alga (*Gelidium cartilagineum*)  
extract, *Laminaria digitata* extract; protamines and their derivatives; flavonoids,  
ruscogenins, esculosides, the aescine extracted from horse chestnut, nicotines, hesperidin  
methyl chalcone, essential oils of lavender or rosemary, the disodium salt of rutinyl sulphate;  
*Centella asiatica* and *Siegesbeckia* extracts and yeast extracts of *Saccharomyces cerevisiae*,  
silicon, amadorine, and an ivy extract.

Claims 27-29. (New).--